

U.S. Patent Application Serial No. 10/031,287
Reply to Office Action dated June 29, 2005

Remarks:

Applicant has read and considered the Office Action dated June 29, 2005 and the references cited therein. Claims 1 and 9 have now been amended. Claim 14 had been previously cancelled. Claims 1-13 and 15-17 remain pending in the application.

Claims 1-7, 10, 12, 13, 15 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Biebuyck. Claim 1 has been amended to clarify the differences of the present application over the Biebuyck patent. Claim 1 recites first and second planar sectional elements that are mutually angled to one another. Moreover, claim 1 recites *inter alia* that the first and second planar sectional elements have communication surfaces providing a light/shadow effect for breaking a visual experience when the screen element is integrated into the wall. The advantages of such an arrangement is an improved appearance that is neither shown nor suggested by the prior art, including Biebuyck or any other reference or combination thereof.

Although Biebuyck does show a screen element for insertion in the wall of a building hinged to a frame structure and the screen element being pivotally mounted over the hinge axis for opening and closing in a direction away from the opening with the screen element comprising first and second planar section elements, Biebuyck fails to disclose certain features and structure of the present invention, as recited in claim 1. Applicant asserts that the Biebuyck reference fails to teach or suggest that the first and second planar section elements have communication surfaces providing a light/shadow effect for breaking a visual experience when said screen element is integrated into the wall. Biebuyck does appear to have first and second planar sectional elements, the Office Action refers to Figure 4. However, the first planar sectional element is reference number 202 of the Biebuyck reference and the second planar section element is labeled 212. However, the second planar section element 212 provides a support surface for the first planar section element 220 of a *second* screen element, not for the same screen element. This arrangement does not provide or create a light/shadow effect between the communication surfaces. There is no effect provided by the first planar sectional element 202

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202 and the support surface provided by the second planar section element 212. Applicant asserts that the doors of the Biebuyck reference are intended to address different problems rather than creating the pleasing appearance and unique visual effect of the present invention. As Biebuyck fails to teach or suggest all of the claimed elements and is directed to different subject matter, the presently recited invention is not obvious. Applicant asserts that the rejection under Biebuyck should be withdrawn and asserts that claims 1-7, 10, 12, 13, 15 and 17 are allowable.

Claims 9, 11 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Biebuyck in view of Van Sandt. The Action states that Biebuyck fails to provide sensor lighting means and enclosing means connected with a hinge. The Action states that Van Sandt discloses sensor lighting means and closing means connected with a hinge and that it would have been obvious to combine the two to arrive at the recited invention. Applicant asserts that Van Sandt fails to remedy the shortcomings of the Biebuyck reference, as discussed above. Applicant asserts that claim 1 patentably distinguishes over Biebuyck and also patentably distinguishes over Van Sandt or any combination thereof for at least the same reasons. As claim 1 is allowable over the combination, Applicant asserts that claims 9, 11 and 16 are also allowable for at least the same reasons.

Claim 8 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter. However, as Applicant believes that claim 1 is allowable for the reasons discussed above, Applicant has chosen not to rewrite the claim in independent form at this time.

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A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

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PATENT TRADEMARK

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

By: _____

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